

APPEAL NO. 021905  
FILED SEPTEMBER 16, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on June 25, 2002. The hearing officer determined that the respondent's (claimant) compensable injury of \_\_\_\_\_, does extend to and include the neck and/or cervical spine. The appellant (carrier) appealed the extent-of-injury determination; the admission of the claimant's exhibits; the claimant's closing argument; the legal application for the admission of expert testimony; and, the quality of the audiotape at the CCH. The claimant filed a response urging affirmance.

DECISION

Because a complete record of the hearing is not available for our review, we reverse and remand.

Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. See Texas Workers' Compensation Commission Appeal No. 91017, decided September 25, 1991. The record consisted of two audiotapes, a 60-minute tape and a 90-minute tape. A significant portion of the audiotape recording of the hearing is unintelligible and a segment of the claimant's testimony on direct and cross-examination is not included on the 60-minute tape, which makes a full and proper review of the record impossible. Accordingly, we reverse and remand this case for reconstruction of the record. See Texas Workers' Compensation Commission Appeal No. 960968, decided July 3, 1996.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Workers' Compensation Commission's Division of Hearings, pursuant to Section 410.202 (amended June 17, 2001). See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

The true corporate name of the insurance carrier is **NATIONAL SURETY CORPORATION** and the name and address of its registered agent for service of process is

**DOROTHY LEADER  
1991 BRYAN STREET  
DALLAS, TEXAS 75201.**

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Veronica Lopez  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Michael B. McShane  
Appeals Judge